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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,484	07/25/2003	Harry Kochat	X-0225	4225
7590 08/25/2004			EXAMINER	
Thomas J. Dodd BioNumerik Pharmaceuticals, Inc.			OH, TAYLOR V	
Suite 1250			ART UNIT	PAPER NUMBER
8122 Datapoint Drive San Antonio, TX 78229			1625	
			DATE MAILED: 08/25/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## ACCHATET AL. Examiner		Application No.	Applicant(s)				
Examiner		10/627.484					
Taylor Victor Oh Taylor Victor Oh The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edenoics of time may be available under the provision of 37 CFR 1,36(a). In no event, however, may a reply be limity filed after 30x (b) MORTH's from the malting date of this communication. For the communication of the provision of the provision of 37 CFR 1,36(a). In no event, however, may a reply be limity filed after 30x (b) MORTH's from the malting date of this communication. For the provision of the provision of the provision of 37 CFR 1,36(a). If NO pend for reply is spicial advance, the manifest after the malting date of this communication. See the special date of the some provision of the malting date of this communication, even if timely filed, may reduce any seried patent turn adjustment. See 37 CFR 1,70(b). Status 1) Responsive to communication(s) filed on 25 July 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) Claim(s) Is are pending in the application. 4a) Of the above claim(s) is/are allowed. Claim(s) Is are subjected to by the Examiner. Claim(s) Claim(s) Is are subjected to by the Examiner. The drawing(s) filed on is/are bjected to by the Examiner. This drawing(s) filed on is/are bjected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1,85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1,121(d). The dath or declaration is objec	Office Action Summary						
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Attachment(s)	Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date	 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 	Paper No(s) 5) Notice of Info	/Mail Date ormal Patent Application (PTO-152)				

Application/Control Number: 10/627,484

Art Unit: 1625

The Status of Claims:

Claims 1-7 are pending.

Claims 1-7 have been rejected.

DETAILED ACTION

1. Claims 1-7 are under consideration in this Office Action.

Priority

2. It is noted that the application claims a benefit of 60/421,489 (10/25/02).

Drawings

3. None.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the terms, "substantially", "analogs", and "derivative" are recited. They are vague and indefinite. The expression of those terms are

Application/Control Number: 10/627,484

Art Unit: 1625

without further clarification by the specification. Therefore, an appropriate correction is required.

In claims 4 and 5, the phrases "the 4-enamine <u>derivative</u>" and "the 4-hydroxymethylidene <u>derivative</u>" are recited. They are vague and indefinite. The expression of those phrases are without further clarification by the specification. Therefore, an appropriate correction is required.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ezquerra et al(Tetrahedron: Asymmetry (1994), 5(5), p. 921-6) discloses the process of preparing 4-methylene-L-glutamic acid in the following steps:

- a. reacting a solution of (Me₃Si)₂NH in dry THF and a solution of ethyl N-Boc-pyroglutamate at –78 °C and allowing the reaction mixture at room temperature, and further hydrolyzing the resultant solution with water;
- b. reducing ethyl-1-(tert-butoxycarbonyl)-4(dimethylaminomethyl)pyroglutamate in the presence of NaHCO₃ at room temperature;
- c. hydrolyzing ethyl-1-(tert-butoxycarbonyl)-4(methylene)pyroglutamate in the presence of lithium hydroxide in
 THF followed by treatment of HCI in ETOAC at room
 temperature.

Art Unit: 1625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taylor Victor Oh whose telephone number is 571-272-0689. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*** July 8/27/54

for Lecilia Tsang.